

REMARKS

favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-2, 4-27, 29, and 31-32, including independent claims 5, 16, 22, and 31, are currently pending in the present application. In the Office Action, claims 5-10 and 16-21 were allowed.

Nevertheless, independent claims 1, 22, and 31 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,432,258 to Yoshimura, et al.¹ Yoshimura, et al. is directed to a transfer paper and process. As shown in Fig. 1, for instance, the heat transfer paper contains a base 1 with a release layer 3, picture printing layers 5 and 7 on the release layer 3, and a thermosetting adhesive layer 9 on the picture printing layer 7. The picture printing layers 5 and 7 are formed from known ultraviolet-curing inks, oil-based inks, cold-setting inks, reversible thermochromic inks, etc. (Col. 2, ll. 52-58).

The Office Action asserts that the picture printing layers 5 and 7 are the same as the peelable film layer and discontinuous layer, respectively, as set forth in independent claims 1, 22, and 31. Applicant respectfully disagrees. The peelable film layer of independent claims 1, 22, and 31 is melt-flowable at the transfer temperature. Nowhere does Yoshimura, et al. disclose that the picture printing layer 5 is melt-flowable at the transfer temperature. In fact, it would be undesirable to use such a melt-flowable

¹ Paragraph 6 of the Office Action states that "[c]laims 31-33, 35-48, 51-56, and 58-60" are rejected under §102(b). However, this group of claims does not correspond to the claims of the present application. It is assumed that the Office Action intended to instead refer to claims 1-2, 4, 11, 13-15, 22-23, 25-27, and 31-32 in paragraph 6.

picture printing layer 5 due to the likelihood of distorting and/or altering the intended picture during heat transfer.

This distinction is underscored by the significant difference between the heat transfer methods typically employed in Yoshimura, et al. and the present invention. In Yoshimura, et al., the paper is punched and cut to provide a picture. A release paper 11 (Fig. 2) is then peeled off and the thermosetting adhesive layer 9 is applied to a substrate ware 13. Thereafter, the base 1 is peeled off and the ware 13 is heated in an oven to cure the thermosetting adhesive layer 9, which is cured for about 10-20 minutes at 80-170°C. (Col. 6, ll. 28-52). To the contrary, heat transfer may be performed in the present invention by placing a peelable film layer adjacent to the desired material to expose a discontinuous layer. Because the peelable film layer is melt-flowable at the transfer temperature, it is able to melt and penetrate into the fabric to permanently bond the discontinuous layer thereon. This may provide a variety of benefits, including the provision of an image that is durable and resistant to wear and washing.

Thus, for at least the reasons set forth above, Applicant respectfully submits that independent claims 1, 22, and 31 are not anticipated by Yoshimura, et al. Yoshimura, et al. was also cited, either alone or in conjunction with U.S. Patent No. 6,358,600 to Agler, et al., to reject dependent claims 2, 4, 11-15, 23, 24-27, 29, and 32. Applicant respectfully submits, however, that at least for the reasons indicated above relating to the independent claims, dependent claims 2, 4, 11-15, 23, 24-27, 29, and 32 patentably define over the cited references. However, Applicant also notes that the patentability of dependent claims 2, 4, 11-15, 23, 24-27, 29, and 32 does not necessarily hinge on the patentability of the independent claims. In particular, some or all of the dependent

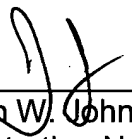
claims may possess features that are independently patentable, regardless of the patentability of the independent claims.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this Amendment, Examiner Dicus is invited and encouraged to telephone the undersigned. Otherwise, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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